

REMARKS

In response to the Office Action mailed October 6, 2003, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-11 were pending in this application. No claims have been amended, canceled, or added. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action mailed October 6, 2003, claims 1-11 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,393,269 to Hartmaier et al. ("Hartmaier") in view of U.S. Patent No. 6,242,706 to Katz et al. ("Katz"). Based on the following reasons, Applicants respectfully traverse the rejections.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P §2143. Without conceding the first and second criteria, Applicant asserts that cited combination does not teach or suggest each and every elements of the claims. Without conceding any other claim limitations, the following discussion set forth several claim limitations that are not taught or suggested by the cited combination.

Claim 1 recites "an IVR application on a peripheral device comprising a menu driven system adapted to receive information from a customer," "wherein the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer."

The Examiner relied on the combination of Hartmaier and Katz to assert that this combination renders claim 1 obvious.

Hartmaier describes a pre-paid subscriber account system for use with wireless telephone system. Hartmaier monitors a subscriber's call, determines the accrued cost of the call, and appropriately reduces the account balance without rerouting voice traffic, and it can be implemented in an existing mobile switching center (MSC). Hartmaier takes advantages of the MSC's capability to process call handling instructions from a Signaling Control Point (SCP) and to connect an Interactive Voice Response (IVR) unit to a call in progress. As admitted by the Examiner, Hartmaier fails to teach or suggest the IVR on a peripheral device comprising a menu driven system adapted to receive information from a customer, as recited in claim 1 of the present application. In addition to this feature, Applicants further state that Hartmaier fails to disclose or suggest that the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, as recited in claim 1.

Katz describes a system and method for accessing the value associated with a pre-purchased amount of telecommunication-time for making telephone calls and for uses other than making telephone calls. The Examiner alleged that Katz discloses an IVR menu on a peripheral

device that allows subscribers to navigate and interact with the system, and accordingly, it would have been obvious for one skilled in the art to combine the IVR menu with the system of Hartmaier.

Applicants respectfully submit that the IVR menu described in Katz does not respond to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, as recited in claim 1. Katz teaches unit-minute systems that allow the subscriber to purchase the unit minutes, transfer the unit minutes to others to redeem the unit minutes, and to use the unit minutes to purchase telephone minutes to redeem for goods and services. According to Katz, the subscribers can access the unit-minute systems through a wireless telephone, an ATM card or other access device. In the aspect of the wireless telephone, Katz only states that the IVR is programmed by computer system 343 of the unit-minute system at telecommunication-switch 341 but is silent on what interaction the IVR can perform with the subscribers. From the specification of Katz, it appears that the VIR menu is a traditional main menu that allows the subscriber to choose a transfer minute option (see Figure 4, specifically at steps 412-413). This kind of traditional menu system, however, as described in the Background section of Applicants' specification at, for example, page 5, line 5 to page 6, line 4, lacks useful features and flexibility. Thus, the present invention is designed to improve the drawbacks of the traditional IVR system as is Katz's IVR menus.

Accordingly, Applicants respectfully submit that Katz does not teach or suggest an IVR application comprising a menu driven system adapted to receive information from a customer, and wherein the menu driven system responds to the information received from the customer by

reciting a rate plan that is the current rate plan and features of the customer, as recited in Applicants' claim 1.

In view of the forgoing, neither Hartmaier nor Katz teaches or suggests an IVR applications as recited in Applicants' claim 1. Therefore, in any combination of Hartmaier and Katz, there are no teaching or suggestions that "an IVR application on a peripheral device comprising a menu driven system adapted to receive information from a customer, and wherein the menu driven system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer," as recited in Applicants' claim 1. Therefore, no *prima facie* case of obviousness has been established for claim 1. Applicants thus respectfully submit that claim 1 should be patentable over Hartmaier in view of Katz.

Furthermore, no *prima facie* case of obviousness has been established for claims 2-11 at least due to their dependencies from patentable independent claim 1. Claims 2-11 should be patentable over Hartmaier in view of Katz.

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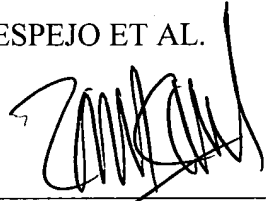
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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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